

**OFFICE OF WATER MANAGEMENT:  
WASTEWATER PERMIT PROGRAMS**

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## Goals of the Wastewater Permit Programs

Protecting our water resources is both an environmental and public health necessity. At the federal level, the U.S. Environmental Protection Agency, the Department of Interior, the Department of Agriculture, and the U.S. Army Corps of Engineers each have a role in protecting Indiana's water resources. In Indiana, the State Department of Health, the Department of Natural Resources, and IDEM's Office of Water Management share that responsibility.

The State Department of Health is responsible for training and providing technical assistance to county health departments regarding residential septic systems. In addition, the Department also is responsible for issuing construction permits to all commercial on-site non-discharging sewage disposal systems. Meanwhile, residential septic permits are issued by the various county health departments. Some counties also may require a county-issued construction permit for commercial on-site non-discharging sewage disposal systems.

The State Department of Natural Resources, Division of Water, is charged by the State of Indiana to maintain, regulate, collect data of, and evaluate Indiana's surface and ground water resources. The Division of Water is comprised of 17 sections divided between three branches: Engineering, Planning, and Regulation. The Division issues permits for: (1) alteration of the bed or shoreline of a public freshwater lake; (2) construction or reconstruction of any ditch or drain having a bottom depth lower than the normal water level of a freshwater lake of 10 acres or more and within ½ mile of the lake; (3) construction within the floodway of any river or stream; (4) placing, filling, or erecting a permanent structure in; water withdrawal from; or material extraction from;

a navigable waterway; (5) extraction of mineral resources from or under the bed of a navigable waterway; and (6) construction of an access channel.

The State Department of Natural Resources, Division of Reclamation, is responsible for implementing the federal Surface Mining Control and Reclamation Act (SCMRA). The Division of Reclamation issues permits to coal mining companies which allows them to mine coal in Indiana. The Division of Reclamation works closely with the IDEM to protect the waters of the state through the issuance and enforcement of construction permits and NPDES permits. The Division of Reclamation has primary responsibility for the compliance and enforcement of all coal mining and wastewater permits.

IDEM's Office of Water Management (OWM) implements and enforces the Federal Water Pollution Control Act (as amended), also referred to as the Clean Water Act. With oversight from U.S. EPA Region V, IDEM's Office of Water Management (OWM) Wastewater Permitting Branch assumed responsibility for this permit program in 1975.

The Act prohibits the discharge of a pollutant into the "waters of the United States" as a point source discharge without a National Pollutant Discharge Elimination System (NPDES) permit. "NPDES means the national program for issuing, modifying, revoking and reissuing, terminating, denying, monitoring, and enforcing permits for the discharge of pollutants from point sources and imposing and enforcing pretreatment requirements by the U.S. Environmental Protection Agency or the Commissioner " of IDEM (327 IAC 3-1-2).

When IDEM assumed responsibility for managing the NPDES program in 1975, its jurisdiction included all the "waters of the state" of Indiana. "Waters of the state" means such accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this state. However, the term does not include any private pond, or any pond, reservoir, or facility built for reduction or control of pollution or cooling of water prior to discharge unless the discharge therefrom causes or threatens to cause water pollution.

The Permitting Branch issues NPDES permits to help ensure that a variety of wastewater dischargers in Indiana comply with the Clean Water Act. It also issues construction permits for facilities needing to construct, install or modify any water pollution treatment control facility or sanitary sewer.

## **Standards; Effluent Limits**

Effluent limitations are permit conditions established by the Commissioner on quantities, discharge rates, and concentrations of pollutants in water that is discharged, or will be discharged, from a point source into the “waters of the state” of Indiana. They represent the minimum effluent quality or quantity which must be achieved prior to discharge of the treated wastewater into the waters of the state. The NPDES permits issued by IDEM contain effluent limits which can be water quality-based or technology-based. The effluent limits in each individual NPDES permit are based on the most stringent of these two approaches.

### **Water Quality Based Effluent Limits (WQBELs)**

Water Quality Based Effluent Limits (WQBELs) are designed such that the quality of any wastewater being discharged will not cause any acute or chronic adverse effects to occur in the receiving body of water. The WQBELs are also designed such that all beneficial uses of the receiving body of water are protected and maintained. Indiana water quality criteria are established through the rule making process for the pollutants found in wastewater. Indiana water quality standards use the water quality criteria to establish the maximum concentration of pollutants which may be present in a body of water that will not cause acute or chronic toxicity to aquatic life, terrestrial life (wildlife which use the water body) or to humans (who consume the water or fish from the water body).

Mathematical models are used to calculate the WQBELs for wastewater discharges which contain toxic or oxygen demanding pollutants. The models consider the following factors when calculating the WQBELs: the design flow rate of the discharger, the background concentration of the pollutants in the receiving water body, the average minimum seven consecutive day low flow which occurs once in ten years (Q7,10) at the location of the discharge, and other hydrologic characteristics of the receiving water body.

### **Variances from WQBELs**

Wastewater dischargers, who cannot achieve compliance with a WQBEL due to either the inability to treat the wastewater to the degree necessary or for appropriate economic reasons, may apply for a variance from the WQBEL. If the variance is granted, the discharger will be required to meet effluent limits that are technology based. A variance from a WQBEL is only effective during the life of the existing NPDES permit.

### **Site-Specific WQBELs**

Wastewater dischargers can request that the basis for establishing the water quality standard for a particular pollutant be established on a site-specific basis taking

into account the species of aquatic life that are residents of the receiving water body. Some water quality criteria are established using species of aquatic life that don't reside in every water body in Indiana. If the request is granted, the water quality criteria is adjusted to account for the species of aquatic life that are residents of the receiving water body. The site-specific water quality criteria allows site-specific WQBELs to be calculated.

## **Technology Based Effluent Limits**

Technology based effluent limits are typically determined by applying Federal Effluent Limitation Guidelines for categories of wastewater discharges which have been developed by the U.S. Environmental Protection Agency(EPA). Technology based effluent limits are based on the Best Available Treatment Economically Achievable (BAT) which are contained in the EPA effluent limitation guidelines.

EPA has not developed a "best available treatment economically achievable" for some categories of wastewater discharges. In these cases, the permit writer must determine the technology based effluent limits by establishing their Best Professional Judgement of the Best Available Treatment (BPJ/BAT) for that particular category of wastewater.

## **The Regulated Community; Who needs a wastewater permit?**

Any and all sources intending to discharge wastewater containing pollutants, or treated wastewater that could potentially contain pollutants, from a point source into any streams, lakes, ponds, or other waters of Indiana and the United States must have an NPDES permit. Virtually all water users intending to discharge into such waters from a pipe or other discrete conveyance must either obtain a NPDES permit, or be connected to a sanitary sewer line flowing into a wastewater treatment facility which itself holds a NPDES permit.

The exceptions to this rule include non-point source discharges such as agricultural run-off, some discharges from ships or other water borne vessels, or discharges directly into the ground. The ground discharges still may require a state operating permit. The following wastewater dischargers need NPDES permits:

Major and Minor Publicly Owned Treatment Works (POTW)

Federally Owned Treatment Works  
(Federal military installations or penitentiaries)

State Owned Treatment Works  
(State parks, prisons, or highway rest stops)

Semipublic Treatment Works  
(Mobile home parks, schools, restaurants, etc.)

Industrial and Commercial Process Wastewater Treatment Works

Storm Water Runoff  
(Related to industrial or construction activity)

Cooling Water

Public Water Supply Wastewater  
(generated while treating drinking water)

Coal mine or process facilities

Quarries, sand and crushed stone facilities

Petroleum-related remediation, pipeline testing or products terminal activities

An NPDES discharge permit also serves as an operating permit, under which the owner/operator generates and/or collects wastewater for discharge. In most cases, in order for that discharge to meet the standards required by the NPDES discharge permit; it first must be treated.

The construction, installation, or modification of any facility used for wastewater treatment requires that a construction permit also be obtained from the Office of Water Management Permits Branch. In addition, any extension of a sanitary sewer line also requires a construction permit.

### **Types of NPDES Permits Issued by OWM (Individual and General Permits)**

The OWM Wastewater Permits Branch issues two different types of NPDES permits.

**Individual Permits** are site-specific and unique. They are issued to dischargers on a case-by-case basis. The issuance process provides opportunity for public input or appeal. The applications for individual permits are of varying degrees of complexity, and can require extensive narrative explanations of planned treatment activities.

**General Permits**, or permits-by-rule, are issued for specific types of discharges such as storm water runoff from construction sites, non-contact cooling water, or stone quarry discharges. The activities covered under each specific type of general permit are very similar in nature – one non-contact cooling water discharge is about the same as any other. Thus, each such activity can be adequately regulated under the rules of a general permit, because individual NPDES permits written for each such discharge would be nearly identical anyway. So, the OWM Permits Branch streamlined the process for permitting these types of activities.

The Permits Branch drafted a rule for each type of general permit, then accepted and responded to public comment prior to finalizing that rule. This public comment and appeals process served the same purpose as it does for individual permits. Thus, the individual applicants now seeking permits under these general permit rules do not need to repeat the process because each permittee will be required to comply with identical permit conditions. Facilities can thus obtain approval to discharge under a general permit-by-rule in approximately one-third of the time required for an individual NPDES permit.

## **Types of NPDES Individual Permits:**

### **Publicly Owned Treatment Works (POTW)**

For treating and disinfecting municipal wastewater prior to discharge

Major Discharge (More than 1 million gal/day)  
(Requires NPDES application form 2A)

Minor Discharge (Less than million gal/day)  
Usually semi-public, minor municipal, state, or federal dischargers

Prior to enactment of the 1972 Federal Water Pollution Control Act, many municipalities were served by primary sewage treatment plants which did little more than remove solids. After 1972, all POTW were required to provide secondary treatment.

A primary component of secondary treatment is the reduction of biochemical oxygen demand (BOD) and chemical oxygen demand (COD), which can pollute a stream, depleting it of dissolved oxygen and killing fish and other aquatic life. Secondary treatment can also reduce ammonia, which can be toxic to aquatic life in the stream. Some facilities also must remove phosphorus, which can lead to excessive algae growth. In addition, secondary treatment reduce concentrations of some heavy

metals. Finally, the wastewater is disinfected to reduce disease causing microorganisms prior to discharge.

## **Industrial Wastewater Treatment Facilities and Other Industrial Discharge Permits**

Industrial NPDES permits limit the levels of contaminants in industrial process water that is to be discharged into the waters of the State. Individual industrial NPDES permits cover:

Process Wastewater from Existing Dischargers  
(Requires NPDES application form 2C)

Process Wastewater from New Sources and New Dischargers  
(Requires NPDES application form 2D)

Non-Process Wastewater from New and Existing Dischargers  
(Requires NPDES application form 2E)

Storm Water Runoff Associated with Industrial Activity

Discharges of runoff which has intermingled with non-storm waters or come into contact with certain wastes, discharges from certain facilities subject to federal storm water effluent limitations guidelines, or discharges into receiving streams and waters listed as Outstanding State Resource Waters or as

Exceptional Use Streams (Other Runoff Associated with a Industrial Activity is eligible for a general, Rule 6, NPDES Storm Water Runoff Permit)  
(Requires NPDES application form 2F)

## **Concentrated Animal Feeding and Aquaculture Operation Permits** (Requires NPDES application form 2B)

Concentrated animal feeding operations are point sources subject to the NPDES permit program. However, the need for such a permit is conditioned on an on-site inspection which determines that a permit is required based on either;

1) the number of animals, per category, housed at a facility,



- 2) whether pollutants from the facility are discharged into the waters of the State through a man-made ditch or flushing system, or
- 3) if pollutants are discharged directly into the waters of the State which originate outside the facility, but pass over, across, or through the facility.

Otherwise, the disposal of wastes generated at such a facility are regulated as a solid waste under the Confined Feeding Program administered by the IDEM Office of Solid and Hazardous Waste (OSHW) Land Use Branch.

Aquaculture, or concentrated aquatic animal production facilities, as defined in the U.S. Code Federal of Regulations at 40 CFR 122.24 also are point sources subject to NPDES permit requirements. However, as with concentrated animal feeding operations, the need for such a permit is conditioned on an on-site inspection which determines whether a permit is required, based on such factors as;

- 1) the location and quality of the receiving waters,
- 2) whether the facility is a significant contributor of pollution to the waters of the state, or
- 3) if the holding, feeding and production capacities of the facility, are such that it is determined that the facility does not need an NPDES permit because;
  - a) the aquatic animals are raised in a structure that discharges less than thirty (30) days per year, and
  - b) produces less than 20,000 lbs. of cold water, or 100,000 lbs. of warm water aquatic animals per year.

Discharges into aquaculture projects, as defined in 40 CFR 122.25 also are subject to the NPDES permit program . However, this applies only to those operations which feature the confinement of aquatic animals within waters of the State, or of the United States.

## **Combined Sewer Overflow (CSO)**

In the past, many cities in Indiana constructed combined sewers rather than separate sanitary and storm sewer systems. A combined sewer system (CSS) is a wastewater collection system which conveys sanitary wastewater and storm water through a single pipe. At the time, CCSs were viewed as a cost-effective means of providing sewer service and improved drainage. However, since the 1960's, Indiana has approved only separate sanitary and storm water sewer systems.

These CSSs typically were designed to carry all the wastewater flow during dry weather conditions and as much storm water flow as possible during, and following, wet weather events. However, whenever the maximum design capacity of these CSSs is exceeded, the excess flow is discharged directly into adjacent streams through overflow structures designed specifically for this purpose. While these overflows were intended to prevent excess flow from backing up in the collection system or overwhelming the wastewater treatment plant, the resulting Combined Sewer Overflows (CSO) discharge untreated wastewater directly into the waters of the state.

One hundred and eight (108) Indiana municipalities still have at least some portion of their wastewater collection systems where sanitary sewers and storm sewers remain combined as a CCS. As a result, there also over nine hundred (900) CSO outfalls in Indiana. These overflow outfalls are point source CSO discharges, and are subject to NPDES permit requirements. The CSO reduction/elimination requirements established in the Indiana CSO strategy are incorporated into the individual municipal wastewater treatment plant NPDES permits (both major or minor) of those Indiana communities as Attachment A.

In May 1996, IDEM finalized its strategy for bringing these CSOs into compliance by the year 2005. It is a 2 phase plan. Phase 1 requires CSO permittees to:

- > Demonstrate implementation of minimum technology-based control plans, including:
  - \* Proper operation and regular maintenance of sewers and POTW
  - \* Maximum use of the collection system for storage
  - \* Review and modification of pretreatment programs
  - \* Maximization of flow to the POTW for treatment
  - \* Prohibition of CSO discharges during dry weather
  - \* Control of solid and floatable materials in CSO discharge
  - \* Pollution prevention programs
  - \* Public notification of CSO occurrences and impacts
- > Review and revise sewer use ordinances to prevent additional CSOs and promote future designs to help minimize the impact of wet weather events
- > Establish a Stream Reach Characterization and Evaluation protocol for assessing CSS and CSO discharges, and reporting on the impact of both CSOs and the efficacy of CSO controls on receiving streams

Phase 2 requires CSO permittees to establish a Long-Term Control Plan with Water Quality Based Effluent Limits (WQBELs). The plan should have affordable and enforceable WQBEL goals with control technique alternatives developed with public participation. Phase 2 plans could require implementation schedules of 10 to 15 years.

The goal of Phase 2 is to reduce overflow events to 4, or fewer, per year, or to capture 85 percent of all flows, system-wide. As of October 1998:

- 67 Indiana CSO communities had NPDES permits with an updated Attachment A with language in accordance with Final CSO strategy.
- 39 CSO communities were awaiting NPDES permit renewals with newly added Attachment A language.

### **Industrial Wastewater Pretreatment Permits (IWPP)**

IWPP are for industrial process wastewater which is treated to remove contaminants prior to discharge into a municipal wastewater collection system. Treatment is similar to that associated with NPDES industrial permits, but the effluent is discharged into a municipal sewer rather than directly into a stream or other body of water. As a result, this wastewater receives further treatment at the municipal facility prior to being discharged to waters of the state.

Currently 45 Indiana municipalities have EPA-delegated pretreatment programs in place, under which they regulate industrial discharges to their municipal wastewater collection systems. In addition, IDEM issues IWPP to industries in those towns and cities that do not have a local pretreatment program in place. Although it is under no specific time requirement, IDEM usually processes IWPP applications in less than 60 days.

IWPP Effluent Standards are derived from:

- 1) Federal Categorical Standard which are either “industry specific,” or based on “units per gallon” of effluent.
- 2) Publicly Owned Treatment Works(POTW) calculations which derive effluent limits by back calculating the amount of pollutant loads available to industry, taking into account the available additional capacity of the POTW before its capabilities are exceeded. This method is frequently used for smaller POTWs.
- 3) Local Limits established in a Pretreatment Program Ordinance. (This option is used for non-categorical industries by the 45 municipalities with EPA approved pretreatment programs in place. However, in some instances, smaller communities may also have local limits which are used even though IWPP are issued by

IDEM.)

## **Obtaining an individual NPDES Permit**

### **What information does the permit application request?**

All IDEM applications require relevant administrative information. Below is a partial list of some of the types of technical information also requested:

- > Facility information; industrial (information for IWPP is similar to direct discharger):
  - > What process-related contaminants can be expected (SIC; Standard Industrial Classification code)
  - > Highest monthly average flow
  - > Treatment technologies applied
  - > Operational and compliance history
  - > Production data from past 2 years
  - > Effluent toxicity for major discharges
- > Facility information; municipal (a POTW, Publicly Owned Treatment Works):
  - > What is the treatment capacity for which the facility was designed
  - > Loading rates, rate at which each component of a facility is designed to operate
  - > Treatment technologies applied
  - > Operational and compliance history
  - > Plant design, percent removal for:
    - > BOD (Biological Oxygen Demand)
    - > Suspended solids
    - > Nitrogen and phosphorus (when necessary)
  - > Characteristics of contributing industrial waste (if any)
  - > How will treated effluent be disinfected

### **How is the (individual NPDES permit) application reviewed, and the permit written?**

The permit writer must develop a permit based on the effluent limits which will be required at the outfall (the end of the discharge pipe), and in the mixing zone of the receiving stream (where the effluent mixes with the stream). Those limits are determined by modellers -- using the data describing the receiving stream in a model, or simulation -- to determine the level of pollutants which can be discharged without

adverse affect on the receiving stream, especially during low flow conditions.

Once proposed effluent limits have been calculated by the modellers, the permit writer has two primary tasks:

- To collect the information necessary to develop permit conditions such as the effluent limits, whole effluent toxicity testing, proposed monitoring frequency, sample types, schedule of compliance (in the event compliance is required) and best management practices.
- To develop and justify the monitoring frequency, sampling, and compliance conditions of the permit.

### **What does an individual NPDES permit do?**

Although individual NPDES permits are somewhat unique, they each:

- > Authorize discharges, which are limited to levels set by the permit
- > Set limits for daily maximum discharges
- > Require monitoring and reporting by the permittee of discharges of specific contaminants at specific outfalls
- > Establish sampling protocol and frequencies
- > Require record retention
- > Outline the permittees duty to furnish additional relevant information and allow inspections
- > Define “upset” conditions, and establish required compliance schedules for bringing the facility back into compliance after an upset
- > Establish penalties for permit violations and requirements for mitigating adverse impacts on the environment
- > Establish penalties for the falsification of reports
- > Provide a rationale for effluent limits
- > May require other actions, such as the development of Combined Sewer Overflow Plans and/or Storm Water Pollution Prevention Plans or Industrial Pretreatment Program development and implementation

### **How are the requirements of an individual NPDES permit usually met?**

#### **For a Publically Owned Treatment Works (POTW)**

As discussed in the section Standards (Effluent Limits), streams have naturally occurring microorganisms capable of breaking down, or consuming, contaminants. This, along with the rate and volume of stream flow, oxygen level, temperature and other naturally occurring conditions enable streams to breakdown, absorb or cleanse themselves of contaminants.

Modern municipal POTWs mimic this ability. They depend on, and are limited by the same balance of loading capacity, volume of flow, and other factors as any stream. However, they are designed to manipulate all these factors in such a way as to optimize the process and thus maximize the volumes of contaminated wastewater that can be treated within the limits of this otherwise natural phenomenon.

Thus, the level of contaminant breakdown, adsorption, and self cleansing that might occur during 20 or 30 miles of downstream flow, can instead be compressed into the volume of a POTW. It functions like “a stream in a box,” enabling us to breakdown and remove contaminants, but before they reach the receiving stream.

All municipal POTWs utilize a secondary treatment process to meet effluent limits contained in their NPDES permit. Most municipal POTWs may use a combination of the following treatment techniques:

#### Preliminary Treatment

This usually consists of processes which remove inorganic grit and sand from the wastewater. In addition, preliminary treatment processes include fine screening to remove large solids. Grinders also reduce the size of larger solids.

#### Primary Treatment

Some POTWs have a primary treatment process, usually clarifiers, whose main function is to remove the settleable and floatable solids. Approximately thirty percent (30%) of the Biochemical Oxygen Demand (BOD) and fifty percent (50%) of the suspended solids are removed at this stage. These solids are usually sent to a sludge digestion process, while the wastewater is sent to the secondary treatment process.

#### Secondary Treatment

All POTWs use some form of secondary treatment. It is an aerobic process, thus oxygen must be supplied to encourage the growth of an adequate population of the proper microorganisms. Although the medium in which they are maintained varies, these microorganisms are central to both the activated sludge (suspended growth) or trickling filters and the rotary biological contactors (fixed film) secondary treatment processes. These processes are followed by the use of secondary clarifiers, which enable clear water to be separated from the suspended solids utilized in the secondary treatment process.

Some POTWs, especially facilities designed for smaller communities, rely on a pond or lagoon system for secondary treatment. These facilities are designed to provide longer detention times – usually thirty (30) to one hundred and twenty (120) days – during which microorganisms break down solids and reduce the BOD levels.

Other POTWs are required to meet effluent limits more stringent than can be provided by typical secondary treatment processes. These facilities use additional processes to remove suspended solids, such as sand or multimedia filtration or nutrient (ammonia and/or phosphorus ) removal.

All POTWs must provide for the disinfection of their treated effluent prior to discharging it into the receiving waters. Disinfection reduces the number of disease causing microorganisms to levels which are acceptable to protect human health and the aquatic environment.

The majority of POTWs use chlorination to disinfect their effluent. However, recently promulgated water quality standards now require that that disinfected effluent then be dechlorinated (usually with sulfur dioxide) prior to discharge.

An increasing number of POTWs are changing from chlorination to ultraviolet (UV) disinfection. The treated effluent is subjected to an intense bombardment by UV light, which kills disease causing microorganisms.

### **For Industrial Treatment (or Pretreatment) Facilities**

Industrial wastewater which is sent to a POTW is treated first, to bring it into compliance with local or state Industrial Wastewater Pretreatment Program requirements. Industrial wastewater generators not participating in Pretreatment Programs are required to obtain an individual industrial NPDES permit, and treat their process wastewater prior to discharging it to the waters of the State.

Whether they discharge under an individual NPDES permit, or participate in an Industrial Wastewater Pretreatment Permit Program, industrial users generate a wide range of differing types of waste waters, requiring treatment from a broad array of treatment options. However, the fact that each regulated facility has near total control of its manufacturing process helps reduce substantially the anticipated treatment needs and associated treatment options which likely will be required for compliance with their Pretreatment or NPDES discharge permit. The array of treatment options for industrial wastewater treatment includes:

- Physical techniques include filtration, distillation, electro dialysis, evaporation, freezing, micro straining, reverse osmosis, sedimentation, or solvent extraction.
- Chemical techniques include oxidation, precipitation, coagulation, disinfection, electrochemical treatment, ion exchange and neutralization.
- Biological techniques include (just as with municipal POTWs) activated sludge, waste stabilization ponds and/or land application of wastewater or solids.

### **General NPDES Permits [Permit-By-Rule: 327 IAC 15-(5-12)]<sup>7</sup>**

(See General Permits, p. 6)

OWM's general NPDES permits-by-rule address certain classes or categories of point source discharges. Those opting for coverage of a new activity under a general permit must secure that coverage prior to engaging in that regulated activity.

To obtain a general permit, the applicant is required to file a written notification, or Notice of Intent (NOI), indicating to OWM the intention to comply with the terms of a specific general permit rule in lieu of applying for an individual NPDES permit. The NOI must be submitted at least 15 days prior to any discharge.

Upon receipt of the NOI, and any associated fees, IDEM reviews it for completeness and applicability. The NOI must include the name and location of the facility associated with the proposed discharge, the Standard Industrial Classification code (SIC), or a description of the project, the name of the receiving waters, and a description of how the facility complies, or will comply, with the permit rules.

The NOI must be accompanied by a copy of a public notice published by the applicant in a local newspaper of general circulation. That public notice must announce both the applicant's intent to seek IDEM's approval to discharge under the general rule which specifically addresses their proposed new activity, and the applicant's intent to comply with the conditions of the general permit rule associated with that discharge.

There are no public meeting requirements since the public had opportunity for comment during the rulemaking procedure which established the permit rule. However, anyone seeing the public notice may appeal to the Office of Environmental Adjudication



regarding the applicability of that general permit to the specific facility proposed by the applicant.

If the facility qualifies, coverage under the general permit is issued to the applicant. The approval of coverage includes a facility identification number, describes the period of coverage, and contains a copy of the general permit rule which describes the conditions which must be met for the permittee to be considered in compliance. Those conditions can include requiring the development and implementation of a compliance plan, as well as record keeping, monitoring, reporting, testing or inspections.

IDEM issues letters notifying applicants of general permit coverage on the 15th day of each month. The approval to operate under the general permit becomes effective 18 days later, after affected parties have had the opportunity to appeal these approvals. Coverage under Storm Water Run-off general permits Rule 5 (from Construction Activity) and Rule 6 (from Industrial Activity) commences with the submittal of the NOI.

A facility can operate under an individual NPDES permit, and one or more applicable general permits. However, discharges to a receiving stream identified as an Outstanding State Resource Water or an Exceptional Use Stream require an individual NPDES permit, and are not eligible for a general permit-by-rule.

If it is determined that an applicant who filed an NOI for a general permit needs to instead file for an individual NPDES permit, they will be notified of such, and will have 120 days to submit an application for an individual permit.

General permits are non-transferrable.

#### **(Rule 5) Stormwater Permits Associated with Construction Activity**

It is required if construction will disturb more than 5 acres, thereby creating a situation where storm runoff could contain eroded soil which could adversely affect the waters of Indiana or adjacent property owners.

Applicants must:

- > File Notice of Intent (NOI) prior to start of work
- > File a Soil Erosion Control Plan with county Soil and Water Conservation District
- > Comply with the requirements outlined in the permit  
Erect and maintain erosion control fences to prevent soil erosion

#### **(Rule 6) Stormwater Permits Associated with Industrial Activity**

It is required of a wide range of industrial facilities listed both in 40 CFR 122.26 (b) (14) and in Rule 6, itself.

Applicants Must :

- 1) Sample and characterize stormwater runoff
- 2) Establish and implement a Storm Water Pollution Prevention (SWPP) Plan to reduce or control pollution
- 3) Then resample to demonstrate effectiveness of the implemented plan

All this must be implemented within 365 days, with the clock starting when the applicant submits their NOI.

In addition, some storm water runoff associated with industrial activity may require an individual NPDES permit (Form 2F, see Industrial Wastewater Treatment Facilities and Other Industrial Discharge Permits, page 8), rather than a general (Rule 6) permit, including:

- > discharges into receiving streams and waters listed as Outstanding State Resource Waters or as Exceptional Use Streams
- > certain storm water discharges into which non-storm waters are intermingled
- > discharges from certain facilities subject to federal storm water effluent limitations guidelines

If these types of storm water discharges occur at a facility which also has applied for an individual NPDES permit to discharge process water, the storm water discharge is merely addressed as part of that permit. However, in those infrequent instances where individual (non-rule) storm water NPDES permits (form 2F) are required in the absence of other individual NPDES permits, the procedure is the same as for individual NPDES permits, but there is no specific timetable for issuing those permits.

#### **(Rule 7) Facilities Engaged in Mining of Coal, Coal Processing, and Reclamation**

To regulate wastewater discharges from mining and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off.

#### **(Rule 8) Facilities Discharging Non-Contact Cooling Water**

To regulate the discharge of once-through, non-contact cooling water which does not contain wastewater generated by manufacturing processes or any other types of wastewater.

#### **(Rule 9) Wastewater Discharge Associated with Petroleum Products Terminals**

To establish discharge requirements for point source discharges for wastewater associated with petroleum products terminals.

**(Rule 10) Wastewater Discharge Associated with Ground Water Petroleum Remediation Systems**

To establish discharge requirements for point source discharges of wastewater associated with ground water remediation systems for gasoline only.

**(Rule 11) Wastewater Discharge Associated with Hydrostatic Testing of Commercial Pipelines**

To establish requirements for point source discharges of wastewater associated with hydrostatic testing of commercial pipelines.

**(Rule 12) Facilities Engaged in Sand, Gravel, Dimension Stone, or Crushed Stone Operations**

To regulate wastewater discharges from sand, gravel, dimension stone, and crushed stone operations which utilize sedimentation basin treatment for pit dewatering, channel machines, broaching, jet piercing, scrubber water for air pollution control, dust suppression spray water, wash water from screening operations, and non-contact cooling water from various crushers, drills, saws, dryers, pumps, and other related equipment.

**State Operating Permits**

In Indiana, nearly all point-source discharges to surface waters require an NPDES permit. Meanwhile, State Operating Permits are used to regulate water pollution control facilities not otherwise regulated by and NPDES permit. While they are not commonly used, operating permits are issued at the discretion of the Commissioner where a discharge may pose a threat to human health or the environment.

Although water discharged directly into the ground does not require a NPDES permit, it may require a State Operating Permit from IDEM. However, discharge by underground injection of salt or sulfur bearing wastewater and waste liquids associated with the recovery of oil and natural gas do not require a State Operating Permit. Just as with a NPDES discharge permit, the State Operating Permit may require that the effluent be treated to reduce pollutants to some environmentally based limit prior to such disposal.

## **Obtaining Sewer and Wastewater Treatment Facility Construction Permits**

In most cases, wastewater that is to be discharged into the waters of the state must be treated in order to meet effluent limits. Facilities built or modified to treat the wastewater must first obtain a construction permit from IDEM.

Also, any sewer main extension needs a construction permit and in some cases, if they cannot be exempted (through 327 IAC 3-2-4, SEE PAGE 23, "Construction Permits Are Not Required For:") many sewer line laterals or building connections must also obtain a construction permit prior to construction. Construction permits are required prior to building:

- > Sewer lines
- > Lift stations  
(Unlike water lines, which are pressurized, wastewater collection systems usually rely on gravity to help transport sewage through the sewer lines to a wastewater treatment facility, which usually is built at a low elevation point within a service area. To further facilitate gravity flow, sanitary sewer lines frequently are designed to flow to intermittent low points, where pumps at "lift stations" then "lift" the sewage back up to a higher elevation where it again flows by the force of gravity to the next low point in the system. The number of lift stations which may be needed within a collection system is dependent on both the size of the service area, and the nature of the local terrain.)
- > Wastewater Treatment Plants (New Plants or Modifications to Existing Plants)
- > Industrial NPDES Treatment Facilities
- > Industrial Wastewater Pre-treatment Facilities

IDEM issues all wastewater construction permits in Indiana except the permit required for the construction of sedimentation basins used for the treatment of runoff water associated with coal mining activities. Coal mine sedimentation basin construction permits are issued by the Indiana Department of Natural Resources.

## **What information does OWM require for various Construction Permits?**

As with any IDEM-issued permit, the Construction Permit application requires the applicant to supply relevant administrative information such as location, mailing

address, type of facility, type of permit and appropriate signatures, as well as information on notifying affected persons or Potentially Impacted Parties (PIPs) such as adjacent landowners, or those with proprietary or expressed interest. Any required fees also must be paid. The Construction Permit application also requires more technical information such as:

Construction plans (one set)

Every sheet of the plans must be stamped and signed by an Indiana professional engineer (land surveyor's can stamp and sign gravity sewer projects). Industrial projects are not required by Indiana law to submit plans with an engineer's or land surveyor's stamp and signature.

- Appropriate and completed design summary forms for **Municipal POTWs** include the following:

- Description of present facility
- Description of proposed facility
- Design flow data, including:
  - > The total volume in gallon per day of all domestic, commercial and industrial sewage and non-rain induced groundwater infiltration which a treatment facility is designed to treat
  - > The daily peak flow rate of sewage to be treated (water usage and associated discharges vary, depending on the time of day)
  - > The maximum flow that can be passed through a wastewater treatment plant without unit overflows or bypassing
- Design Waste Strength, characteristics of the raw sewage to be treated, such as the chemical or biological oxygen demand, the total suspended solids, the ammonia/nitrogen levels, or the pH

(pH is a scale running from 1 to 14 used to measure the strength of acidic and alkaline substances mixed with water or other liquids. The pH of pure water is 7, which is a neutral. Acidic solutions register below 7, and alkaline solutions register above 7.

The pH of solutions can vary, depending on how dilute or concentrated they are. pH also can be temperature sensitive, as solutions generally can be made more concentrated at higher temperatures.)
- NPDES Permit Limitations on Effluent Quality as stated in the discharge permit
- Design information for the various treatment units, can include, but is not limited to:

Plant site lift stations, grit chambers and screens, activated sludge processes, primary and secondary clarifiers, trickling filters, lagoons, tertiary filters, nitrification, phosphorus removal, disinfection and de-chlorination and sludge handling and disposal facilities

- Appropriate and completed design summary forms for **Industrial Wastewater**

**Treatment Plants** include the following:

- Type of wastes
- Receiving stream, or receiving POTW (for Pretreatment Permits)
- Design flow data such as peak, daily maximum, and daily average flow rates
- Design Waste Strength, characteristics of the wastewater to be treated such as the biochemical oxygen demand, the total suspended solids, total metals content, or the pH (see pH above)
- NPDES permit limits on effluent quality or sewer use ordinance limits
- Proposed treatment and design information on the various treatment units, including, but not limited to: oil/water separation, metals reduction, activated carbon adsorption systems, and sludge handling and disposal as well as treatment units similar to those found at municipal plants such as, plant site lift stations, grit chambers and screens, activated sludge processes, primary and secondary clarifiers, trickling filters, lagoons, tertiary filters, nitrification, phosphorus removal, disinfection and de-chlorination and sludge handling and disposal facilities

- Appropriate and completed design summary forms for **Sewer Lines** include the following:

Design flow data

Number of units to be connected and served  
Average flows, peak flows, and peaking factors  
Length, diameter, type of sewer  
Location of connection to existing collection system  
Lift station design data  
    Number of pumps  
    Capacity of pumps  
Who will provide wastewater treatment  
Who will inspect during construction  
Who will provide maintenance

A capacity/acceptance letter from the receiving POTW is required, certifying that the proposed project is not expected to cause overloading or bypassing in the collection system under dry weather conditions, and that there is sufficient capacity in the treatment plant to adequately treat the flow, and achieve applicable NPDES permit effluent limitations.

**How is the application reviewed, and a Construction Permit written?**

Each application is first reviewed for administrative completeness. The plan reviewer then evaluate the technical specifications of the plans. The “10 States’ Standards” is the reference for reviewing the technical adequacy of the plans submitted.

The plan reviewers also use their knowledge of the effective ranges of various treatment technologies to review the calculations of the applicant, thereby ensuring that the treatment technologies planned for a particular facility should be able to treat the anticipated waste stream to the “end of the pipe” effluent limits required by the NPDES or pretreatment permit. For this, the reviewer must understand the entire range of wastewater treatment technologies available, and ensure that the proposed plan meets the minimum requirements.

If the plan reviewer determines the design is inadequate, a comment letter is sent to the applicant and the engineer. If after 60 days the deficiencies are not resolved, the permit is denied. The applicant must then resubmit their application with the requested changes.

### **What is required by Construction permit, and how are those requirements implemented?**

Unlike NPDES permits – which are ongoing, and which often include ongoing maintenance, monitoring, and reporting requirements – construction permits are essentially one time approvals for construction of a wastewater treatment facility or associated appurtenances. As such, a construction permit only requires that the approved construction plans and specifications be followed.

#### **Construction permits are not required for:**

- Storms sewers transporting only surface run off
- Single-family dwelling connections to existing sanitary sewers
- Multi-unit buildings (residential, commercial, industrial) that meet the following:
  - > Sewer connection is less than 300 feet in length
  - > Serves a population equivalent of 25 or less
  - > Flow is less than 2,500 gallons/day
  - > Discharge no toxic substances or pollutants incompatible with the system, or incapable of being treated to an acceptable quality
- Approved septic absorption field systems of less than 4000 gallons capacity
- Confined feeding operations for animal production

## Permit Fees

### NPDES Permits

NPDES Application Fees \$50

#### Municipal NPDES Annual Fees

Major	\$1,500 or
Minor	\$400, plus a sliding scale
1,000-50,000 Gallons Per Day (GPD)	\$300
to 100,000-200,000 GPD	\$2,000
to 500,000-1,000,000 GPD	\$6,000
to 1,000,000-2,000,000 GPD	\$7,000
to 10,000,000-15,000,000 GPD	\$13,000
to 50,000,000-100,000,000 GPD	\$22,000

#### Industrial NPDES Annual Fee

Major	\$1,000, or
Minor	\$400, plus a sliding scale
1,000-50,000 Gallons Per Day (GPD)	\$240
to 200,000-300,000 GPD	\$1,200
to 500,000-1,000,000 GPD	\$2,060
to 1,000,000-2,000,000 GPD	\$3,600
to 10,000,000-15,000,000 GPD	\$12,000
to 50,000,000-100,000,000 GPD	\$28,300
more than 100,000,000 GPD	\$34,300

(Discounted by 20% for discharges w/ 90% or more non-contact cooling water)

#### State or Federally Owned and Public Water Supply NPDES Annual Fee

Major	\$1,000
Minor	\$400

with similar sliding scales

#### Semi-Public NPDES Annual Fees

Major	\$750
Minor	\$400

again, with similar sliding scales

(There is a 10% delinquent charge for annual NPDES fees >60 days late)

Industrial Wastewater Pretreatment Permit (application) \$50



IWPP Annual Fee	\$350
Construction Storm Water Runoff (Rule 5)	\$100
Storm Water Associated w/Industrial Activity (Rule 6)	
NOI, or amendment to NOI	\$50
Annual fee	\$100
Application Fees For General NPDES Permits (Rules 7-12)	\$50
Coal Mine (Rule 7) General Permit	
Annual fee, per mining facility	\$500
Stone Quarry (Rule 12) General Permit	
Annual fees, Per outfall	
1 Outfall	\$750
2 Outfalls	\$1,500
3 Outfalls	\$2,000
4 Outfalls	\$2,500

### **Construction Permit Fees**

No fee is required for sewer projects. Meanwhile, governmental entities and non-profit organizations are only required to pay \$50 for new or expanded wastewater treatment facilities. All other applicants pay:

New Wastewater Treatment (except industrial)	
Up to 500,000 GPD	\$1,250
Greater than 500,000 GPD	\$2,500
New Industrial wastewater treatment plant (including pretreatment)	
Up to 500,000 GPD for:	
Biological or chemical treatment	\$1,250
Physical treatment	\$250
Greater than 500,000 GPD	
Biological or chemical treatment	\$2,500
Physical treatment	\$500
Wastewater Treatment Plant expansion:	
Up to fifty percent (50%) design capacity:	
Up to 500,000 GPD	\$625
Greater than 500,000 GPD	\$1,250
Greater than fifty percent (50%) design capacity:	
Up to 500,000 GPD	\$1,250

Greater than 500,000 GPD

\$2,500

## **Timeliness Requirements**

In 1994, the Indiana General Assembly enacted Senate Enrolled Act (SEA) 417 (IC 13 -15 -4 -1). That law established time frames within which IDEM is expected to complete the review of applications for environmental permits. SEA 417 established the following time frames for these OWM-issued wastewater permits:

270 Days

Major New NPDES Permits

180 Days

Minor New NPDES Permits (30 additional days if there is a public hearing)

120 Days

Wastewater Facility Construction Permits

(Generally, sewer permits take 30-40 days, industrial pretreatment construction

permits take 40 days, and treatment plant construction permits take 40-60 days)

## **NPDES Permit Application Review Process Summary**

### **For Individual NPDES Permits**

See Indiana Administrative Code Title 327, Article 5, Rule 3 (327 IAC 5 -3)

- Upon receipt, the application undergoes both Administrative and Technical review to determine completeness. Incomplete applications may result in the return of the plans and specifications without action.
- Complete application must include the correct fee payment, if applicable (receipt is attached to permit application), a list of affected parties for notification, and all required administrative and technical information.
- If additional information is needed at that time, a Notice of Deficiency (NOD) is sent to the applicant. For new permits, the SEA 417 time clock is stopped during the first 2 NODs, pending the applicant supplying the additionally requested information.
- If an application is incomplete, IDEM has 35 working days to communicate that

to the applicant in the form of an NOD, otherwise the permit cannot be denied on the grounds the application was incomplete.

- If the applicant does not respond, or a make a good faith effort to respond, adequately to an NOD within 60 days, the permit can be denied.
- Once adequate information is obtained, it is reviewed and a permit is drafted and made available to the applicant and the county board of health prior to public notice.
- The draft permit is public noticed in a local newspaper of general circulation, and interested parties are noticed by mail. During a minimum 30 day comment period, anyone may request a public hearing.
- The permit manager reviews all comments, after which a decision is made regarding whether a permit may be issued.
- A copy of the decision notice is mailed to all affected parties. All written comments are responded to at that time, and those responses are mailed to all those who submitted comments or signed in at the public hear. The decision notice includes a response to all comments, advised those notified that they may view a copy of the permit in the OWM file room, and describes how to file and appeal.
- Petition to appeal or stay must be filed within 15 days(plus 3 days for mailing time). If no such petitions are filed, the permit becomes effective.
- A NPDES permit is good for five years, after which it must be renewed. Renewals also are good for five years, and are required every five years for as long as the permitted activity continues. Applications for renewal are then due 180 days before any existing permit expires, but then that existing permit can be extended administratively, if necessary, pending renewal.
- Appeals must be filed with the Office of Environmental Adjudication, where they will be reviewed by an environmental law judge.

### **For Industrial Wastewater Pretreatment Permits**

The administrative and technical review procedures for IWPPs is very similar to those used for other individual NPDES permits. Although SEA 417 does not specify any timeliness requirements for IWPPs, IDEM does operate under a self-imposed turn-around time of 60 days for IWPPs.

Even in the absence of a time clock, IDEM can notify the applicant of deficiencies and request addition information for processing an application. However, once a draft permit is completed, it must be public noticed in a local newspaper, and interested parties are contacted. The public notice includes information on how to view a copy of the permit at the OWM file room. During a minimum 30 day public comment period, anyone may request a public hearing . IDEM responds to all comments.

Similarly, appeals must be filed with the Office of Environmental Adjudication, within 18 days (15 days, plus 3 days mailing time).

Applications for renewals are due 180 days prior to the expiration of the current permit.

### **For Wastewater Construction Permits**

- Applications are due 60 days prior to the start of construction. Although IDEM is allowed 120 days to process construction applications, they generally are completed in 30 to 60 days.
- The application should include appropriate administrative information, any applicable fees, a design summary, a complete set of plans, and a list of all affected parties, including adjacent property owners.
- A letter is then sent out notifying the town and county officials where the proposed sewer or wastewater treatment facility is to be constructed.
- The construction permit coordinator reviews each application for completeness, accuracy and fee payment. They also determine that there are no reasons (outstanding enforcement, compliance, or policy issues) the application should not be processed, and inform the Compliance Evaluation Section of any requests to connect to a facility on an early warning or a sewer ban. If the permit is for an industrial pre-treatment plant, sewer, or a project that will generate additional flow to be treated by the receiving wastewater treatment plant, the applicant must also include a wasteload allocation letter from the local wastewater treatment facility saying there will be no overloading, either organic or hydraulic.
- All applications are treated in this fashion, including resubmittals and revisions. However, applications for “as built” facilities initiate a referral to the Office of Enforcement.
- After review, the construction permit coordinator and a plan reviewer either deem the application “complete”, and make note of the date it was so deemed, or they fill out a Deficiency Notice.
- If either administrative or technical deficiencies exist, the applicant receives the Deficiency Notice form letter. That letter must be sent by IDEM within 35 days of the original receipt of the application.
- The clock on the 120 days allowed for competing the construction permit process is stopped when the Deficiency Notice letter is mailed. The applicant has 60 days to respond. If no response is received, the permit is denied. If the response is insufficient, IDEM may contact the applicant to resolve the problem, or another Deficiency Notice may be sent.
- Once applications are complete (with no outstanding deficiencies) the plan reviewer drafts a permit. While the Section Chief of Facility Construction generally signs sewer permits with a minimum of review, drafts for municipal and industrial and treatment plants are reviewed and commented on by the Section Chief, and returned to the plan reviewer.
- When the permit is finalized and issued, the original permit is sent to the applicant, and copies are sent to those persons listed by in the application as affected parties.

- Affected parties, or any other interested party, may file an appeal within 18 days (15 days, plus 3 days for mail delivery) of the issuance (or denial) of a permit.
- Appeals must be filed with the Office of Environmental Adjudication, where they will be reviewed by an environmental law judge.

### **List of Other Possible Required Permits or Approvals**

Those applicants seeking to obtain individual NPDES or other wastewater discharge permits, or wastewater construction permits, may need to consider whether they might also need one or more of the following permits:

\* Storm Water Runoff Permits

From: IDEM Office of Water Management

For: Storm water runoff associated with construction of wastewater collection or treatment facilities

Storm water runoff associated with industrial activity (at industrial sites)

\* Land Application Permit

From: IDEM Solid Waste Management

For: Land application wastewater or sludge disposal, or  
Sludge give-away programs

\* Hazardous Waste Generator Registration or Hazardous Waste Storage Permit

From: IDEM Office of Solid and Hazardous Waste Management

For: Sludge disposal from the treatment of certain industrial process waste waters, which may contain heavy metals or toxic substances

\* (Coal) Mining Construction Permits

From: Indiana Department of Natural Resources

For: Coal mine sedimentation basins

\* Facility Siting Permits

From: Indiana Department of Natural Resources

For: Siting of Wastewater Facilities in low lying areas near streams may require a permit for construction within the floodway of a river or stream

\* For Activities in a Wetland

From: U.S. Army Corp of Engineers, A Section 404 Wetlands Permit  
For: Compliance with the Clean Water Act , primarily regarding draining or filling a protected wetland area

From: IDEM, OWM; A Section 401 Water Quality Certification

For: Required by the Corps of Engineers for issuance of a 404 permit, the Certification states that the activities for which a Section 404 Permit (or, less frequently, other federal permit) is need will not cause violations of water quality standards or adversely impact water quality.

\* Notice by Applicants for Permits for Undeveloped Land and Property Without a Permit

Applicants seeking a construction permit for any type of wastewater treatment facility on, or a permit for any NPDES point source or state operating permit discharge from, undeveloped land or land for which no valid existing permit has been issued , must notify all the owners and occupants of any adjacent property. That written notice must be given within ten (10) working days after the submittal of their permit application. It must include the date upon which the application for the permit was submitted and provide a brief description of the subject of the application. Applications to construct sanitary or storm water sewer lines are exempt from this requirement.

\* Those persons storing, transporting or managing wastewater from septic systems not subject to NPDES discharge permits may still need a permit:

From: IDEM Solid Waste Management, Wastewater Disposal Permit

For: Land disposal of septage

\* Local zoning permits

Construction of wastewater treatment facilities or sewer line extensions likely will have to conform to any local zoning ordinances.

\* Those persons constructing wastewater collection lines or treatment facilities might also want to first contact utility companies to avoid damaging “hidden” underground conduits or transmission lines.

**Summary of Public Notice/Opportunity for Public Input for Individual NPDES Permits**

Local officials are notified by IDEM of the receipt of any permit application for

discharges within their area of jurisdiction. However, in order to receive any further notifications regarding that permit application, they must respond to IDEM to advise the agency of their further interest regarding that specific permit application

The Commissioner maintains a list of approximately fifty (50) Interested Parties. These organizations, trade associations, corporations, law firms, environmental groups, and some individuals have requested to be notified whenever any draft permit is public noticed, or any decision is made regarding the issuance of any and all wastewater discharge permits issued by OWM.

Meanwhile, it is the responsibility of the applicant to submit, as part of the permit application, a list of all Affected Parties; adjacent property owners and those with a proprietary interest. Affected Parties are to be notified by IDEM by mail upon the final issuance of a permit. They then have 18 days (15 days, plus 3 days for mail delivery) to appeal the permit decision. Anyone who can demonstrate that they were incorrectly or inadvertently omitted from the Affected Parties list by the applicant, maintains the right to appeal the permit decision, regardless of whether the appeal period has expired.

After OWM has determined that the permit application is complete, a permit is drafted and copies are sent to the applicant and to the local county board of health. At that time, IDEM must also notify all Interested Parties of the draft permit. In addition, the agency must publish a notice in a local newspaper of general circulation describing the draft permit, and announcing that it is on file at the OWM file room, where it may be copied or inspected. A thirty (30) day comment period follows that public notice, during which time any member of the public may submit written comments to IDEM, or request that the agency hold a public hearing regarding the draft permit.

It is left to the discretion of the agency whether to honor a request for a public hearing. They are to be held anytime the Commissioner finds significant interest. The agency sometimes schedules a public hearing automatically if sufficient public interest is anticipated. On the other hand, if interest is limited, the agency still will accept any comments, but prefers to do so through an informal meeting, in lieu of a public hearing.

After the public comment period has ended, and all comments have been considered, the agency issues a final permit decision. All written comments also are responded to at that time. Responses are mailed to all those who submitted comments or who signed in at the public hearing. Notices of the permit decision are mailed to all Affected Parties. The Notice includes a response to all comments, advises those notified that they may view a copy of the permit in the OWM file room, and describes how to exercise the right to file an appeal.

Petitions to appeal must be filed within 15 days (plus 3 days for mailing time). They must be filed with the Office of Environmental Adjudication. Whether there will be a formal appeals hearing is determined by an Environmental Law Judge. The

appellant must provide a reason for the requested appeal, list issues proposed for consideration at any ensuing hearing, and identify the conditions which would satisfy the requirements of the law necessary to reverse the prior decision.

Even after a hearing is scheduled, the agency may meet with appellants and try to resolve their concerns at a Pre-Hearing Conference. If the appellant wishes to pursue his appeal beyond the Office of Environmental Adjudication, the issue must be appealed to a civil court.

### **Summary of Public Notice/Opportunity for Public Input for Industrial Wastewater Pre-treatment Permits**

The public notice and comment periods are the same as for other individual NPDES permits. Once a draft permit is completed, it must be public noticed in a local newspaper, and interested parties are contacted by mail. During a minimum 30-day public comment period, anyone may request a public hearing. IDEM responds to all comments. Once a decision is made regarding whether to issue a permit, affected parties are contacted by mail. Appeals must be filed with the Office of Environmental Adjudication within 18 days (15 days, plus 3 days mailing time).

### **Summary of Public Notice/Opportunity for Public Input for Wastewater Construction Permits**

The applicant is required to list all affected parties in the permit application. Meanwhile, IDEM must send a notification to the town and county officials where the proposed sewer or wastewater treatment facility is to be built.

When the permit is finalized and issued, the original permit is sent to the applicant and copies are sent to those persons listed by in the application as affected parties. The affected parties, or any other interested party, may file an appeal within 18 days (15 days, plus 3 days for mail delivery) of the issuance of a permit.

While a wastewater construction permit can be appealed, there is no public comment period. Appeals must be filed with the Office of Environmental Adjudication, where they will be reviewed by an environmental law judge.

### **Summary of Public Notice/Opportunity for Public Input for Variance Requests for Discharges Into the Great Lakes**



As a result of Indiana's participation in the Great Lakes Initiative, there are additional public notice requirements regarding discharges into Indiana streams which ultimately flow into Lakes Michigan and Erie. Upon receipt of an application for a variance, or for site-specific modification of water quality criteria and values, implementation of antidegradation, or alternate mixing zone demonstrations, the commissioner shall provide notice, request comment, and, if requested, schedule and hold a public meeting.

The IDEM publishes a notice in a daily or weekly newspaper in general circulation throughout the area affected by the discharge for which the application was submitted. The notice will also be sent by mail to the applicant, to the U.S. EPA Region V, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, other interested state and local governmental agencies, all parties on the mailing list maintained by the commission, and to any other person who requests to receive a copy of the notice.

The notice shall identify the applicant and the receiving stream, describe the type of application submitted and the locations of affected discharge points, describe the activities that result in the discharge, identify the substances for which the application was submitted, provide IDEM contact persons, and outline the how to submit comments or request a public meeting.

If requested, the commissioner shall hold a public meeting after providing a public notice in a local newspaper and by mail in the same manner, and to the same persons, as described above. Those persons who submitted comments to the initial public notice also shall be notified by mail of the public hearing. That notice must include the date, time, and place of the public meeting and repeat the information describing the project which was contained in the initial public notice. Or the commissioner may opt to hold a public meeting without waiting on one to be requested. In that case he may include announcement of the meeting as part of the initial public notice.

The meeting shall be held at least ten (10) days after the notice appears in the newspaper, or after the postmark date of the written notices, which ever occurs later. The meeting shall be recorded. At the meeting the applicant shall provide a summary and rationale for the application.

For any permit application subject to such a variance request, thirty (30) days is added to the time period within which IDEM must complete review of the application. And, if a public meeting is requested, an additional thirty (30) days is added to that time period.

(See 327 IAC 5-2-11.2)

## **Summary of Public Notice/Opportunity for Public Input for General NPDES Permits-by-Rule**

The applicant is responsible for publishing in a local newspaper of general circulation a Notice of Intent (NOI) to seek the approval of IDEM to comply with, and discharge under, a specific general permit rule which is consistent with the applicant's intended new activity. Anyone receiving this public notice can file an appeal with the Office of Environmental Adjudication regarding the applicability of that general permit to the specific facility and activity proposed by the applicant.

There is an 18-day period (15 days, plus 3 days for mail delivery) after IDEM has issued approval for an activity under a general permit rule, during which affected parties (adjacent property owners and those with a proprietary interest) may appeal the approval with the Office of Environmental Adjudication. Coverage under the permit does not begin until after that 18-day period.

While there are opportunities to appeal General NPDES permits, there is no public comment period. However, the public was afforded opportunity to comment during the actual rulemaking process.

*(this still needs to be updated)*

#### **Further Reading/Obtaining Additional Information**

Phone:                      Fax:                      E-mail: ? ? ? ? ? ? ?

Faxback: 800/726-8000

Faxback Information: ie.

8342	Indiana Great Lakes Initiative; Water Quality Draft Criteria
8158	Dredge/Fill Certification Information; Wetlands Factsheet
8155	Stormwater General Permit Information
8245	Wastewater Construction Permit; Sanitary Sewer Instruction/App
8367	General Permit Rule Program
	Etc

U.S. Code of Federal Regulations (CFR)

??

Indiana Statutes (IC)

IC 13-18-1-1 through IC 13-18-21-28

(Title 13, Article 18, Chapter 21, Section 28)

Indiana Administrative Code (State rules)

327 IAC

- Article 2      Water Quality Standards
- 3      Wastewater Treatment Facilities
- 4      Wastewater Treatment Facilities; Overload Conditions
- 5      NPDES and Pre-treatment Programs
- 6      Land Application of Sludge and Wastewater  
              (IDEM Solid Waste Branch)
- 7      Management of Sewage Disposal System Wastewater  
              (IDEM Solid Waste Branch)

Other related guidance documents or explanatory materials:

    The 10 State Standards (?)

    IDEM Indiana Environmental Rules: Water      December 1, 1996 edition